In regard to the inadequacy of the staff, it is for the head of department to bring it to the notice of Government.

In regard to undertrial prisoners in Police custody, the existing arrangement is defective and it has already attracted my attention. I am considering what should be done. It is a matter involving a good deal of expenditure.

Then in regard to recruitment of Magistrates, I have already made certain changes. You think that recruitment from the bar would be a real improvement. I cannot see why the Munsiffs, 50 per cent. of whom are recruited from the bar, should, according to your own statement, be inefficient. You say that the Munsiffs are equally bad in the administration of justice.

Mr. Paramesvaran Pillai.—They do not commit flagrant mistakes.

Dewan.—Mistake is one variety and inefficiency is another variety of shortcoming. You do not say that a Munsiff's work is better than that of a Magistrate.

As regards the District Magistrates' supervision, I do grant that, on account of their multifarious duties, they have not sufficient time to do it properly. We are impressing upon them the importance of this duty.

Mr. Narayanaru Krishnaru.—I have submitted all the instances in writing, but I have not mentioned names and places.

Dewan.—You must mention the names of individuals and places Otherwise your information is of no value.

Mr. Narayanaru Krishnaru.—There is no opportunity for us to prove what we say.

Dewan.—We shall ask the High Court to give you an opportunity. In the event of a departmental enquiry you will have a chance of proving what you say.

Mr. Narayanaru Krishnaru.—In that case I shall give a detailed list with full particulars as regards the names of officers, places, etc.

43. The administration of criminal justice with special reference to the Tiruvalla taluk.

Mr. Narayana Kaimal Nilakanta Kaimal (Member, Tiruvalla Taluk), in speaking on the administration of criminal justice, made pointed reference to the hardship and inconvenience suffered by the parties who appeared before Magistrates on account of their delay in the admission of complaints, examination of witnesses and adjournment of cases. He said that the District Magistrate alone could, to some extent, check those evils, but that, at present, the movements of those officers were not known to the people. The Member suggested that the tour programme of the District Magistrates might be published in advance and that they might be directed to ascertain during their tours the views of the representatives of the people on the work of the local Magistrates. The Member then referred to the work of the Magistrates who, being anxious to be prompt in the disposal of cases under directions from the Government, did not devote sufficient time to look into the cases carefully and arrive at well-considered decisions.

As regards the Bench Magistrates, the Member remarked that they were not of much use, as they could not entertain private complaints. Such complaints had now to be laid before the stipendiary Magistrates in the first instance and then transferred to the Bench Magistrates under the orders of the District Magistrate to be obtained on the motion of the stipendiary Magistrate.

Referring to the administration of the Police Department, the Member dwelt upon the shortcomings of that department owing to the enlistment as constables of men without education and status and the promotion of those men later on as head constables and even Inspectors. He next referred to the inadequacy of the pay of the constables and head constables and suggested its improvement as a remedy against temptation to corruption. As regards enlistment, the Member thought that only men who had passed at least the Vernacular School Leaving examination should be enlisted as constables and those only who had passed the Vernacular Higher or the English School Leaving Certificate examination as head constables. The Member suggested that the superior officers of the department might be required to make,

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uring their tours, confidential enquiries regarding the work of the local Police. The Member also requested that, in view of the distance from the Tiruvalla charging station to the outposts of Valankara and Mallappalli and of the nearness of some of the places now under the jurisdiction of the Aranmula station to Mallappalli, a new charging station might be opened at some central spot in the eastern *pakuthies* of Tiruvalla, the adjoining places being brought under its jurisdiction.

With reference to the Tiruvalla taluk, the Member said that for a long time there was a Second Class Magistrate there and that for some time it was also the practice to post a First Class Magistrate to that taluk. Latterly, however, a Stationary Second Class Magistrate's Court had been opened in lieu of those courts; but on the redistribution of Revenue and Magisterial charges, even that court was abolished and a Bench Court was established with jurisdiction over the town of Tiruvalla alone. The Member prayed that the Stationary Magistrate's Court might be restored from Chengannur to Tiruvalla or that a new court might be established in that place. If that was not possible, the Division First Class Magistrate's court should be shifted to Tiruvalla.

Dewan's reply.—You did not give me any idea of what you were going to say, and so I cannot give you a full reply. In regard to what you have said about District Magistrates sending out programmes of their tours in advance, even now they are expected to send out their programmes in advance, if possible, but I am not certain whether it would be possible for them to always adhere to their programmes. I will issue a circular asking them to issue their tour programmes in advance whenever possible.

In regard to your suggestion that they should make confidential enquiries in their tours about the work of Magistrates, that is a thing that should not at all be encouraged. Confidential enquiries as to whether a Magistrate is efficient or honest would produce very undesirable results. The District Magistrate may receive information which may not be true. It will only create prejudice either in favour of or against the Magistrate—prejudice often unjustifiable and unwarranted. As for public complaints, the District Magistrates are bound to take notice of them.

You say that the Government compel the Magistrates to dispose of cases promptly. Other speakers say that cases are being delayed by Magistrates very badly in spite of instructions issued by the Government and pray that they should be promptly disposed of. Delay in the disposal of cases is an evil which should be checked both by the issue of general circulars and by the examination of individual cases. I do not think that the prompt disposal of cases is an evil.

The question of enabling Bench Magistrates to receive private complaints is a very difficult one. I will consider it. Bench Magistrates have not been empowered to entertain private complaints, because they are not supposed to be available to the public at all hours of the day. They are not stipendiary officers. They fix certain hours and during those hours they take up cases and dispose of them. It would be too much to expect Honorary Magistrates to be available to the public at all times to receive complaints from them.

Member.—There is a Chairman. He can be asked to receive complaints.

Dewan.—Even supposing a man takes a complaint at midnight, the Magistrate must be ready to receive it, if it is urgent. If you make a Bench Magistrate do that sort of work, nobody would consider the post worth having. However, I will consider the matter. It is not as easily realisable as you think.

As regards Police constables and head constables, recruitment is now limited to persons who have done service in the army, because a definite promise was held out to them, when they were recruited and sent either to Mesopotamia or to the front, that, if they did well and were duly qualified, they would be entertained in the public service. We have to redeem that pledge. Persons who have rendered War service and who have a good physique and a certain amount of education are usually employed. We do not take illiterate people. People who are literate are always preferred to those who are illiterate. I doubt very much if people who have passed

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the Vernacular School Leaving examination ld be had on a much less pay. The
post of a constable. If they would accept it, ticised as a useless appendage serving
them. Head constables are generally promoted fr spectors as anomalous. Prosecut-
literate men who have turned out good work that ntrol over the cases prosecuted by
witnesses were of no use as the con-

As regards the Magistrate's court at Tiru tors. He suggested, therefore, that
after very great and careful consideration that G the Head Sirkar Vakil or their posts
no stipendiary Magistrate's court was necessary at
consider that decision. We must wait and see the tion of the Government, which was
was made only recently. pectors, might be dispensed with.

44. The necessity for a criminal court and buildings ecruited with better discrimination

Mr. P. N. Narayana Pillai (Member, Muni a fair qualification of literacy and
that the number of cases filed in the Kayankulam estion of the Member was that the
to be properly handled by one person, the number c Police might be directed to pay
of the current year being as high as 620, and that t larger opportunities to the people
the remotest parts of its jurisdiction was incon eal rigorously with any lapse of
could be located at Mavelikara with jurisdiction ht come to their knowledge.
Mavelikara, Kartikapalli and Karunagapalli tal estions in regard to the reorgani-
Kayankulam could also be brought under the Magistrs which cannot be disposed of
mitigate the hardships of the people and give relief tatter of the retrenchment and re-
next said that provision should be made for magisteri opinions differ.
the dying declaration of hospital patients and such oth series of very serious statements
for the transfer of the appellate jurisdiction over of the Police force. You have
Chengannur Division First Class Magistrate, as the li *sub judice*, to two cases of com-
conveniently at Chengannur than at Alleppey. by the sub-magistrate, Trivan-

As regards the location of public offices in Mnal Procedure Code which were
that both the local Munsiffs' courts were held in ill- particular inst ces mentioned
healthy corner of the town, causing inconvenience to tade and even idings or an ua-
the transactions of the treasury. He also pointed out lity which public and delay in
was housed in a thatched building, while the Magistrate's court was located at a
place to which all sections of the public could not have equal access. He referred also
to the lack of accommodation for the bench, the bar and the public in the courts
and prayed that the Munsiffs'e urts might be housed in the Training School and the
latter shifted to, and locate the Putiakavu school building nearing completion.

Dewan's reply.—T atter of appellate jurisdiction was raised at the last
Assembly also. I do not CUL ember what has become of that representation. If you
had given me notice tha were going to speak about this subject, I would have
looked into the matter. I diffic

As regards bui *Pill* for the Munsiffs' courts, new buildings are, no doubt,
necessary. I inspect atio present building myself. Accommodation was insufficient,
but the building ytio not ill-ventilated. The construction of buildings means
money and we have o arrange the works in the order of urgency and works which
are more urgent m be given precedence.

You say th he Kayankulam Magistrate has too much work to do. I have
received no compl in that matter. The District Magistrate has more than once
examined his wo or You say that 620 cases were filed in the first quarter of the
current year. S pal of these cases might have been transferred to other courts;
and several othe ay be compoundable. After all 620 cases in a quarter do not
represent very e work. I have known the work of Magistrates for the last 30
years. A good more than half the number of these cases—are generally com-
pounded or with cond

In regs. Jurisdiction, there is no use in going back on what the Govern-
ment have do so much consideration.

45. Adm n of the Police Department. he
uk wh he
Mr. V sankara Pillai (Member, Municipal Council, Neyyattinkara)
villag ary reference to t important part which the Police Depart-
after making inistrative machin he State, brought to notice some of
ment played i

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